

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KAIA HAWKINS,

Plaintiff,

v.

SIX FLAGS ENTERTAINMENT
CORPORATION, et al.,

Defendants.

Civil Action No. 16-9389 (MAS) (LHG)

MEMORANDUM ORDER

This matter comes before the Court on Defendant Six Flags Great Adventure, LLC's ("Defendant") motion to dismiss Plaintiff Kaia Hawkins's ("Plaintiff") Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. (ECF No. 3.) Plaintiff filed opposition (ECF No. 5), and a cross-motion for leave to amend (ECF No. 6). Defendant did not file a reply or opposition to Plaintiff's cross-motion. The Court has carefully considered the parties' submissions and decides the matter without oral argument pursuant to Local Civil Rule 78.1. For the reasons stated below, Plaintiff's cross-motion for leave to amend is granted.

Plaintiff's cross-motion seeks leave to amend her Complaint, arguing that: (1) "Plaintiff's pleadings meet the federal pleading standard"; or, in the alternative, (2) "Plaintiff's counsel reasonably believed that Plaintiff's pleadings need only meet New Jersey's lower pleading standard pursuant to [New Jersey Court] Rule 4:6-2(e)." (Pl.'s Opp'n Br. 3, ECF No. 5-2.) Plaintiff, therefore, seeks leave from the Court to comply with the federal pleading standard. (*Id.*) A district court may deny the plaintiff an opportunity to amend her pleading "based on bad faith or dilatory motives, . . . repeated failures to cure the deficiency by amendments previously allowed, or futility

of amendment." *Lorenz v. CSX Corp.*, 1 F.3d 1406, 1414 (3d Cir. 1993). Here, in the interest of justice, the Court will permit Plaintiff the opportunity to amend her Complaint. Accordingly,

IT IS on this 7th day of June 2017, **ORDERED** that:

1. Plaintiff's cross-motion to amend (ECF No. 6) is **GRANTED**.
2. Pursuant to Rule 15(a)(1) of the Federal Rules of Civil Procedure, the Amended Complaint (Ex. D, ECF No. 6-3) is now the operative pleading.
3. Defendant's motion to dismiss Plaintiff's Original Complaint (ECF No. 3) is terminated as moot.
4. By **June 20, 2017**, Defendant shall answer or otherwise respond to the Amended Complaint.


MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE